

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: Michael Allan Wagner

: Case No. 19-12517-jkf

Debtor

: Chapter 13

ORDER

Upon consideration of the Debtor's Motion for Authority to Employ Realtor and to Sell Three Parcels of Real Property Free and Clear of Liens and Encumbrances Pursuant to 11 U.S.C. §§ 363 and 1303, and to Abandon Certain Equipment from Estate to Secured Creditor Pursuant to 11 U.S.C. § 554, ("Motion"), it is hereby:

ORDERED that the Motion is GRANTED; and it is further

ORDERED that the Debtor is granted authority to sell the real property at 31 S. Trooper Rd, Eagleville, PA 19403 to Camaplan FBO Vincent C Arena, Free and Clear of Liens and Encumbrances Pursuant to 11 U.S.C. §§ 363 and 1303, for a purchase price of \$170,000.00 ("Property One"); and it is further

ORDERED that the Debtor is granted authority to sell the real property at 15 Woodlyn Ave, Eagleville, PA 19403 and 29 Trooper Rd, Eagleville, PA 19403, to SR Realty LLC or its Assigns, Free and Clear of Liens and Encumbrances Pursuant to 11 U.S.C. §§ 363 and 1303, for a purchase price of \$380,000.00 ("Property Two"); and it is further

ORDERED that the Equipment identified in the Motion is abandoned to Tompkins VIST Bank ("Tompkins") pursuant to 11 U.S.C. § 554; Tompkins, in its sole discretion, can collect the Equipment on or before May 14, 2020, or abandon the Equipment at the real property, but Tompkins shall have no duty or requirement to remove or take possession of any personal property or

equipment collateral of the Debtor, which collateral may include, but is not limited to, any such property which is secured by Uniform Commercial Code security instruments or otherwise; and it is further

ORDERED that, upon agreement, Tompkins, in settlement of its first lien and second lien, proof of claim numbers 11 and 12, in the respective amounts of \$425,797.77 and \$152,791.59, agrees to accept in full settlement of its claim \$290,000.00 certified funds at the closings, carve out notwithstanding; and further agrees to carve out from the sales proceeds, the reduced amount of \$21,271.38 paid at closing to Michael Wagner for his real property exemption, the amount of \$125,000.00 payable to the bankruptcy estate for payment pursuant to the chapter 13 Plan, as amended, of the IRS proof of claim number 13 in the amount of \$88,904.59, attorney fees of \$23,000.00 pursuant to a fee application, and the trustee commission. This settlement with Tompkins is effective at closing of the sales for its in rem claim, and upon discharge, for any personal liability of the Debtor, and contingent on Tompkins being paid on or before May 22, 2020; and it is further

ORDERED that the following liens are not to be paid at closing; rather, they are extinguished at closing and attach to the proceeds paid to the bankruptcy estate, after the carve out for the IRS, attorney fees, and trustee commission as previously stated: Montgomery County Court of Common Pleas, 2016-13070 (Lewis environmental Inc); 2017-29335 (Herio Servicing LLC, Herio Capital); and, 2019-01087 (HRAC, LLC); and it is further

ORDERED that at closing, the reasonable costs of sale itemized on the Settlement Statements provided are to be paid at closing, including, but not limited to, the realtor/broker commissions, and the secured claims of Montgomery Tax Claim Bureau, proofs of claim numbers 15, 16 and 17 as provided on the attached Certifications; and it is further

ORDERED that the amount of \$125,000.00, shall be paid by the Title clerks to Scott F. Waterman, Trustee, to be administered in this bankruptcy estate pursuant to the terms of the Chapter 13 Plan, as Amended, and it is further

ORDERED that the fourteen (14) day stay otherwise imposed by Bankruptcy Rule 6004(h) is hereby waived, and this Sale Order shall be effective immediately upon entry.

DATED: May 13, 2020



JEAN K. FITZSIMON, JUDGE
UNITED STATES BANKRUPTCY COURT